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In re application of:  
Martin Brady et al.

Serial No.: 09/228,109

Confirmation No.: 7301

Customer No.: 026366

Filed: January 11, 1999

Examiner: Jason D. Prone

Docket No.: 0166

Art Unit: 3724

For: HOUSEHOLD KITCHEN OPENING APPLIANCE

To: Director of Technology Center 3700

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Name: Roger S. Dybvig

Signature:

Roger S. Dybvig

Date: July 25, 2007

JUL 25 2007

PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Attention: Director of Technology Center 3700

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

PETITION TO WITHDRAW EXAMINER'S OBJECTION TO DRAWINGS

Applicants hereby petition to withdraw an examiner's  
objection to drawings.

Please charge all fees in connection with this petition to  
Account No. 04-221.

Statement in Support of Petition

By a Final Rejection dated May 25, 2007, the examiner in  
charge of this application objected to the drawings on the  
grounds that "the housing comprising a holder and a sheath"  
recited in claims 11 and 13 was not illustrated. The examiner  
also rejected claims 11 and 13 under 35 U.S.C. 112, second

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paragraph, because the phrase "a sheath" is unclear.

Claim 11 and its parent, claim 10, are as follows:

10. A household opening appliance comprising an electric can opener having a housing and a scissors holder on said housing capable of releasably retaining a scissors on said housing.

11. The appliance of claim 10 further comprising a sheath for a scissors on said housing.

Claim 13 and its parent, claim 12, are as follows:

12. The appliance of claim 10 further comprising a jar opener mounted on the bottom wall of said housing.

13. The appliance of claim 12 further comprising a sheath on said housing for a scissors.

The sheath was discussed in an appeal brief filed in this application on October 10, 2000, as follow:

Referring to FIGS. 3 and 6, the appliance 10 has a downwardly-open, vertically-extending, scissors-receiving sheath, generally designated 50, for a scissors, such as scissors 52. (Page 5, lines 14-18) The sheath 50 is formed by the rear wall 23B of the housing 16 and a cover member 54 connected to the rear wall 23 by screws 56. (Page 5, lines 18-20) A scissors holder or clamp 58 comprising a pair of

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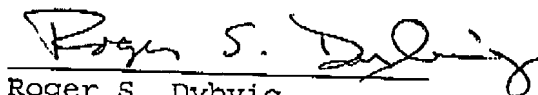
cooperating spring metal clamp members 60 and 62,  
mounted by screws 64 respectively on the housing rear  
wall 23B and the cover member 54, releasably retain the  
scissors 52 within the sheath 50 when the scissors 52  
are inserted upwardly from below the appliance 10.

(Page 5, line 20 to Page 6, line 1.

It is evident that the sheath is adequately disclosed in the  
specification and shown in the drawings and that the drawings  
conform to the specification. The issue raised with respect to  
the recitations of claims 11 and 13 is a matter of the propriety  
of the rejection of claims 11 and 13 under Section 112 and not a  
matter which should be subject to an objection to the drawings.

The granting of this petition is respectfully requested.

Respectfully submitted,



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